

Appl. No. 10/065,256
Amdt. Dated Monday, August 29, 2005
Reply to Office Action of March 28, 2005

REMARKS/ARGUMENTS

Claims 1-44, 58, 59, 61 and 73 are withdrawn. Claims 45, 55 and 77 are amended. Claims 45-57, 60, 62-72 and 74-78 remain in the application.

Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and discussion below.

Claims 45, 55 and 77 are amended to recite a method of performing a cosmetic surgery procedure using a barbed suture including the step of manually grouping and advancing the soft tissue relative to at least one portion of the suture to provide a desired amount of lift. Support for these amendments may be found at, for example, paragraphs [0098] to [0105] of the specification.

In his present Office Action, the examiner rejected the claims of the application in view of the same references and for the same reasons as explained in his July 9, 2004, Office Action. The examiner did not accept the Applicants' argument in response to the previous Office Action that Buncke does not disclose or suggest "manually grouping and advancing the soft tissue along at least a portion of the suture to provide a desired amount of lift". The examiner states that soft tissue is manually grouped and advanced along the body of the Buncke suture (i.e., the suture is tensioned) to provide a desired amount of lift. The examiner further cited Buncke at column 3, lines 33-44, stating that barbs of the suture are engaged "against the internal tissue along the desired lines of tissue support", and at column 5, lines 5-22, that the skin is said to potentially "pucker", or the skin is "pulled downwardly" by tension in the suture. The examiner contends that this action on soft tissue suggests that inherently, tissue is manually grouped and advanced along at least a portion (i.e., the barbed portion) of the Buncke suture, when the suture is pulled.

The Applicants gratefully acknowledge the opportunity to interview the examiner on April 26, 2005, regarding the present Office Action. Independent claims 45, 55 and 77 were discussed in view of the cited references, focusing in particular on Buncke. Applicants maintained their position that claims 45, 55 and 77 are not anticipated or suggested by Buncke because Buncke fails to disclose "manually grouping and advancing the soft tissue along at least one portion of the suture to provide a desired amount of lift."

One of the inventors present at the interview, Dr. Greg Ruff, reviewed a video clip with the examiner showing Dr. Ruff inserting a barbed suture in the face of a patient, including the step of manually grouping and advancing the soft tissue along a portion of the suture. Applicants explained to the examiner that this step allows differential movement and positioning of tissue along the length of the portion suture in the tissue in order to achieve a "lifted effect". However, tensioning a barbed suture in tissue as disclosed in Buncke moves all tissue engaged by the barbed suture the same distance and, thus, is not the same as Applicants' claimed method. The examiner agreed. The

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this response to clarify that in the manually grouping and advancing step tissue is manually grouped and advanced relative to the suture.

The remaining claims of the application depend directly or indirectly from claims 45, 55 and 77, and recite additional features of the present invention. Accordingly, Applicants believe that the dependent claims are allowable for the same reasons discussed above with respect to claims 45, 55 and 77.

For the foregoing reasons, the Applicants respectfully submit that the methods for performing cosmetic surgery procedures claimed in the present application are neither anticipated nor fairly taught or suggested by any of the references cited by the Examiner, either alone or in any reasonable combination suggested by the prior art. Reconsideration and withdrawal of the rejections and allowance of claims 45-57, 60, 62-72 and 74-78 at an early date are respectfully requested.

If the Examiner has any questions about the present Amendment, a telephone interview is requested.

Respectfully submitted,

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